COAL MENHOLD I**n**quiry by

Mr. Nell B. Field, representing w. H. Hahn, made the principal argument in behalf of the coal men, supplemented by brief statements by Judge Yeaman and Mr. Dougherty.

DENIES JURISDICTION OF COURT AND VALIDITY OF LAW

In his introductory statement Mr. Field said that in refusing to answer the questions of the grand jury the coal men had been actuated not by any desire to prevent or obstruct any proper investigation or inquiry into proper investigation or inquiry into the price of coal, or any other in-quiry which the grand jury was com-petent to make, but that the grand jury had no right to ask the questions which had been asked, and that as a result of these questions the constitu-tional rights of the coal men to tend rional rights of the coal men to tend to their own business affairs and been brought into question in a way which necessitated a refusal on their part to submit, and a defense of their rights. His client, he said, had no desire to obstruct any proper inquiry into the price of coal, but merely to sustain his rights against an improper inquiry into his private affairs.

Sections 1292 and 1294 of the compiled laws of New Mexico, under which the grand jury sought to make the inquiry. Mr. Field held to be invalid on the broad ground that the law was in direct conflict with the law of congress known as the Sherman

law was in direct conflict with the law of congress known as the Sherman act, of which he held the territorial law to be in its purpose a copy.

It was the duty of the courts, he sais, to reduce the price of coal to consumers if it could do so in supproper proceeding, and to frustrate any illegal combination in restraint of trade or to increase the coal of coal, if such combination existed. He was persuaded that the courts were not created for any such purpose and that the people were more interested in the people were more interested in the preservation of their constitu-tional rights than they were in the price of coal.

"This court," said Mr. Field, "is ut-

"This court," said Mr. Field, "is utterly without Jurisdiction to pursue this inquirs, either through its grant Jury or in any other way."

Mr. Field then reviewed the history of the territorial anti-trust legislation contained in sections 1292 and 1293, showing the her to back heart manner to some months after the act of congress.

some months after the act of congress known as the Sherman act. He there entered into an exhaustive organication show that the territorial law so not only nullified by the act of congress, but that it actually sought is modify and restrict an act of congress. The congressional act, be said, privided for immunity in certain cases a prosecution for illegal combination restraint of trade. The territori law made no provision for such in munity. It was impossible, he held for a territorial court to take away to the control of the contr munity. It was impossible, he held for a territorial court to take away from a clitzen an immunity held out ander a law of the United States. The act of congress, he said, had not only been made especially applicable to the territories, but had gone much further than the territorial legislation in that while the territorial law provided only for the cyllection of damages to the person bijured, the United States law provided that three times the amount of damages might be collected. The territorial law, he said, provided for a fine of not to exceed \$1,000, while the United States law nilowed this fine to be extended to \$5,000, while the imprisonment clause of the federal law was greater than that of the territorial law.

"If the territorial law, and the territorial legislature legislation of the same subject, the act of congress supersedes the territorial act, and that a citizen of New Mexico could not be twice placed in jeopardy for the same set. He distinguished between the authority of the sate and of the territory. The authority of the tween the authority of the sate and of the territory. The authority from the central government. He held the two

1 hroat

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Coultimed from Page 1. Col. 10. Section delicity. Section 1. Col. 10. Section 1. Col. 1

District Attorney Claney was forced to be present in the grand jury room and could not attend the hearing, the

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Mr. Neill B. Field, representing W. H. Hahn, made the principal argument in behalf of the roal men, supplemented by brief statements by

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September 27, 1967,			
Amatgamated Copper	2.6		
Anaconda Attoura	FE	.69	
Allouer	28		
Arcadian	3.5	. 89	
Arizona Commercial	42%	19	12.5
American Sagtney, school			6.7
Atlantic	W. Fa.	16	10
Poston Consultituted	24%		
Bingham		ü	96.52
Black Mountain	234		
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Davis Daty	8.50	×.	81
Bust Bulls			
Globe Consultated	8	m	7.6
Charles a committee of the second	1	M.	2.73
Granity	516		
Greens or or better collection			5.59
Helvetla	150		
Dila Royale	1956		18%
Kenwattaw	5		515
Michigan Mining	()	œ	. #16
Michaele Mining	81.	9:	22
Security Committeed			919
SOUTH BRIDE		69	4670
Stuissing	476		614
Old Dentules		Œ	2234
Orovila - Deliverance annual	fF11		92
Parrett Mining	3252		12
Quincy Minter:	T9: 1		80
Rhuste Taland			213
Haven	10.0	91	1-16
Santa Fe Copper	136.1	12:	4
Slyannon	10% 4	ji -	10%
Superior and Stitching	T/1/2 1	ĸ.	10 hg
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rectains arising under the constitution and
taws of the United States.

To the Mining Camps of Colorado, Utah and Nevada; to
Denver, Colorado Springs and

Control by the Court that a hearing by had appear to the Court that a hearing by had appear the name of the Court at the C residence as stated.
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Judge of the said roll and the seul thereof at Albuquerque in said district on the
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(SEAL)

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